

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES THORNTON,  
Plaintiff

Civ. Action No. 05-10210- MEL

v.

UNITED PARCEL SERVICE INC.,  
Defendant

**AFFIDAVIT OF MICHELLE FLEMING**

I, Michelle Fleming, state that the following is true and accurate based upon my personal information and belief:

1. I am a law student and I temporarily work as a law clerk with the law firm of Murtha Cullina LLP.

2. On April 27, 2006 and April 28, 2006, I called the Equal Employment Opportunity Commission ("EEOC") and spoke with Barbara Meunier, an EEOC Senior Investigator, and Anne Giantonio, Ms. Meunier's supervisor, about Charles Thornton's discrimination charges that were filed jointly with the EEOC and the Massachusetts Commission Against Discrimination ("MCAD").

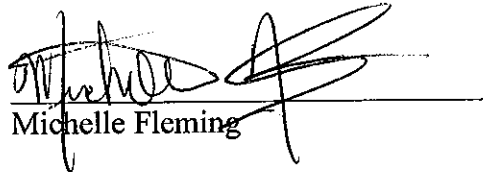
3. With regard to Mr. Thornton's July 27, 2000 discrimination charge, Ms. Meunier informed me that some time in 2003, the EEOC adopted the MCAD's findings and decision to dismiss, and the EEOC closed its case file regarding this charge. Ms. Giantonio confirmed this information.

4. With regard to Mr. Thornton's August 30, 2001 discrimination charge, Ms. Meunier informed me that in October 2004, the EEOC adopted the MCAD's

findings and decision to dismiss, and closed its file regarding this charge. Ms. Giantonio confirmed this information.

5. Neither Ms. Meunier nor Ms. Giantonio could find a right to suit letter dated November 4, 2004. According to Ms. Meunier, if the EEOC had issued a right to suit letter on November 4, 2004, it would have pertained to the August 30, 2001 charge only.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON THIS THE 1<sup>st</sup>  
DAY OF MAY, 2006.

  
Michelle Fleming

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF). No non-participants (NEF) as noted.

/s/Laurie Alexander-Krom